

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROCKWELL AUTOMATION, INC.,

Plaintiff(s),

vs.

BECKHOFF AUTOMATION LLC, et al.,

Defendant(s).

Case No. 2:13-cv-01616-RCJ-NJK

ORDER DENYING COMPETING
 PROPOSED PROTECTIVE ORDERS
 (Docket Nos. 90, 91)


On January 31, 2014, the Court ordered the parties to submit a stipulated protective order within 7 days. *See* Docket No. 87. The Court now has before it competing draft protective orders. *See* Docket No. 90, 91. The Court begins by reminding the parties that “[d]iscovery is supposed to proceed with minimal involvement of the Court.” *F.D.I.C. v. 26 Flamingo, LLC*, 2013 WL 3975006, *8 (D. Nev. Aug. 1, 2013) (quoting *F.D.I.C. v. Butcher*, 116 F.R.D. 196, 203 (E.D. Tenn. 1986)). “It is regrettable that counsel for the parties and/or the parties themselves have so much difficulty cooperating with discovery and the Court is often called upon to spell out detailed rights and responsibilities.” *Id.* While the Court declines to wade into the various assertions of improper conduct by counsel, the Court wants to emphasize that it expects that counsel will better cooperate in the future to resolve discovery-related issues.

As to the parties’ competing draft protective orders, they are hereby **DENIED** without prejudice. There appear to be two disputed issues, one concerning source code protection and the other concerning access for in-house counsel. As to both issues, Defendants argue that they had insufficient time to research and brief the issues. *See* Docket No. 90 at 2. The parties have now had more than ample time to prepare

1 a stipulated protective order, including conducting any necessary research. Moreover, it appears that
2 sufficient efforts to confer have not yet been made. Accordingly, the Court hereby **ORDERS** the parties
3 to confer no later than February 11, 2014 at 3:00 p.m. (PST) regarding those two issues. The Court further
4 **ORDERS** that the parties submit a stipulated protective order no later than February 12, 2014 at 3:00 p.m.
5 (PST). To the extent the parties continue to disagree, they shall submit (no later than February 12, 2014
6 at 3:00 p.m. (PST)) a joint filing: (1) attaching their competing discovery plans; and (2) providing any
7 legal authority and/or argument they deem necessary to enable to the Court to decide the issues.

8 IT IS SO ORDERED.

9 DATED: February 10, 2014

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12 NANCY J. KOPPE
13 United States Magistrate Judge
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